

MAR 30 2005

U.S. Customs and
Border Protection

Mr. [REDACTED] I
Customs and Border Protection Officer
U.S. Customs and Border Protection
JFK International Airport
Jamaica, New York, 11430

Dear Mr. [REDACTED]:

This letter is to notify you of my decision to terminate you from your Excepted Service position of Customs and Border Protection (CBP) Officer, GS-1895-07, and from the U.S. Customs and Border Protection, pursuant to 5 C.F.R. Part 213, effective April 1, 2005. The specific reasons for this action are as follows.

On January 1, 2004, you were given an Excepted Service appointment to the position of CBP Officer, under the provisions of Schedule B, 5 C.F.R. Part 213.3202 (O). This position is subject to a two-year trial period. The trial period allows management to assess the employee's performance, development, conduct, and general suitability for continued employment. Employment may be terminated during the trial period due to work performance or conduct reasons.

On February 1, 2005, you were conducting primary inspection at JFK International Airport. One of the passengers who sought admission to the United States from you presented an Israeli passport to you that was the subject of a Treasury Enforcement Communication System (TECS) lookout for a lost or stolen passport. The passport presented exactly matched the name and passport number as referenced in the lookout. You saw the lookout on the computer screen. When the passenger stated there was no problem with the passport, and another passenger spoke up in support of her, you attempted to resolve the lookout as the primary officer. You admitted the lookout passenger, electronically referred her to secondary and made a computer notation that she was an A-2 visa category and exempt from further action, and allowed her to proceed without further inspection. Subsequent attempts to locate the lookout passenger in order to conduct secondary inspection were unsuccessful.

On November 1, 2004, a Port Directive was sent to all officers by cc:mail regarding lost or stolen passport lookouts. This Directive stated in pertinent part that: "effective immediately, all persons encountered presenting passports which are the subject of TECS/IBIS lookout hits MUST be referred to passport control secondary for processing. Primary officers are NOT to attempt to resolve the case or admit individuals subject to a lost or stolen passport lookout." On February 1, 2005, as described above, you failed to follow this Port Directive. In this matter, your actions show lack of ability to follow critical instructions relating to the performance of your duties, and extremely poor judgment.



[REDACTED]


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Accordingly, based on my consideration of the foregoing matter, it is my conclusion that you have failed to demonstrate acceptable performance and decision-making ability for continued employment with CBP.

Should you allege that this action was taken against you in whole or in part because of discrimination based on race, color, religion, national origin, sex, age or disabling condition under the provisions of 29 CFR 1614, you must consult an Equal Employment Opportunity (EEO) Counselor within forty-five days of your receipt of this letter. If you have any questions or need additional information regarding the EEO process, you may contact the EEO office at (646) 733-3234.

A copy of the Employee Transcript, an exception to the Standard Form 50, documenting your termination, will be mailed to you at a later date.

Sincerely,


Susan T. Mitchell
Director, Field Operations
New York

I received this letter.

[REDACTED] at 0850 A.M.
(time)